

REMARKS

The last Office Action has been carefully considered.

It is noted that claims 1 and 6-13 are rejected under 35 U.S.C. 102(a) as being anticipated by the patent to Sauer.

Claims 1-8, 12 and 13 are rejected under 35 U.S.C. 102(b) over the patent to Pioch.

Also, the drawings and the disclosure were objected to, and the claims were rejected under 35 U.S.C. 112.

In connection with the Examiner's formal objections and rejections, a copy of the drawings is submitted herewith with corresponding corrections, which should satisfy the Examiner's requirements.

In connection with the Examiner's statement in paragraph 5 related to page 9, lines 1-4, it is respectfully submitted that there is only one support plate, and no support plate 18 exists, which reference numeral has been deleted.

Also, claim 2 has been canceled.

It is believed that the other changes in the specification and the claims are self explanatory.

After carefully considering the Examiner's grounds of the rejection of the claims over the art, applicants have amended claim 1 by introducing into it the features of claims 6, 8 and 12 and canceled the corresponding claims.

It is respectfully submitted that the new features of the present invention which are now defined in the amended claim 1 are not disclosed in the references and also can not be derived from them as a matter of obviousness.

Turning now to the references and particular to the patent to Sauer, it can be seen that the handle disclosed in this reference does not carry dust. Instead the dust is supplied to an appendix of the handle 16. Therefore the handle disclosed in the patent to Sauer carries only motor spent air, and no dust, and the energy of the air-stream is low after having gone through the handle 16, arriving the saw blade over a nozzle at the appendix that they can be only some of the removed material. Thus, the main features of the original claim 1, even before amending, are not disclosed in the patent to Sauer.

In connection with the features of claim 6 which is now incorporated in claim 1, it is respectfully submitted that the radiating direction of the removed material disclosed in the patent to Sauer tangential to a workpiece periphery does not enter the inlet of the auxiliary handle, it misses in a great amount the inlet of the "appendix". This can be demonstrated geometrically by putting a tangent at the saw blade of the patent to Sauer in Figure 1 at the place where it leaves workpiece 11. One will find that the radiating direction of the removed material misses the inlet 13 and is thrown to the wheel 19. This clearly shows the difference of the present invention compared with arrow 29 in Figure 3 of the application.

The same is true with respect to the features of the original claim 8 which is now incorporated in claim 1. They are not disclosed in the patent to Sauer.

Finally, the patent to Sauer does not teach the features of original claim 12 which are now incorporated in claim 1. In the device disclosed in the patent to Sauer the motor spent air is directed parallel, the same as the rotary direction of the saw blade of the Sauer device, and the air passage is not screw like, but it bends irregularly first 90° and secondly, after some straight way, more than 180° to enter the nozzle.

In contrast, in the applicant's invention the motor spent air is kept completely separated from the saw blade and it meets the stream of the removed material only in the inlet pipe 22 of the auxiliary handle. The handle of the device in accordance with the present invention is transporting the dust and the cooling air, making a wide bow and making it easy for the dust/air to be carried away from its offspring and to be blown out.

A further difference is that in the device disclosed in the patent to Sauer the length of the pipe for transporting the motor spent air together with the removed material is very short, so that the noise of the saw blade is not diminished. In the handle of the device disclosed in the present application in accordance with the present invention, the air has time to expand, to relax and this way to diminish the noise of the saw blade.

It is believed that claim 1 as amended clearly and patentably distinguishes the present invention from the prior art represented by the Sauer patent.

The Examiner's attention is also respectfully directed to claims 9 and 10. In contrast to the power tool of the present invention the auxiliary handle 16 of the patent to Sauer is not expanding toward an inlet, it is getting much tighter there when meeting with saw blade and making a nozzle there.

Thus, claims 9 and 10 should also be considered as patentably distinguishing over the patent to Sauer.

Turning now to the patent to Pioch, it can be seen that in contrast to the features of the original claim 6 which are not incorporated in claim 1, an outlet with numeral 15 can not be found in the drawings. The device disclosed in the patent to Pioch has no auxiliary handle with an inlet which is adjusted tangentially to the radiating direction of the removed material, that is precisely the purpose/meaning of the features of claim 6. If one draws a tangent to the saw blade periphery where it turns out of a workpiece in Figure 8 of the patent to Pioch is shown on the enclosed page of Figure 8, it can be found that the tangent crosses the front of the housing 34 in a very low area and that the radiating direction of removed material is bent several times on a long way to arrive at the inlet of handle 24, losing energy that way with the result of jamming there or being drawn upwardly incompletely.

Therefore a lot of the debris/removed material has to stay on the workpiece. The dust inlet 70 of Pioch of the extra handle 24 is far away from the plate where dust is produced between the saw blade and a workpiece. Thus, the dust-stream of the device disclosed in the patent to Pioch enters the pipe after being bent and slowed down to the housing 34 as

shown in Figures 1, 3. When entering the handle 24 it has to turn abruptly around 90° (Figure 6) losing a lot of energy there again.

In contrast to the patent to Pioch the removed material stream in the device of the applicant's invention enters the inlet 22 of the auxiliary handle 21 without any windings before to be led in a big bow of handle 21 to its outlet 23, 24.

In contrast to the features of former claim 12 which is now incorporated in claim 1, in the patent to Pioch there is no motor spent air to blow into the inlet of the handle 24 to carry removed materials/dust into the handle 24. Pioch just mentions vacuum drawn air, which source ever is placed at the end of handle 24 near the motor compartment 22. The vacuum source may be the cooling fan within the motor compartment 32 or an extra fan impeller in an extra compartment 98 as shown in Figure 9. Pioch is sucking the air out of the housing 34 and away from the saw blade.

In contrast, in accordance with the applicant's invention air spent by the motor-cooling fan wheel is used to blow the removed material into the handle 21, avoiding jamming of the removed material there.

It is therefore believed that the features of the amended claim 1 are not disclosed in the patent to Pioch, et al.

As for some dependent claims, in contrast in the applicant's invention as defined in claim 2, Pioch has no swivable part of the handle 24, but only an internal knee-like part can be mounted in different ways. In contrast to the features defined in claims 4 and 5, the patent to Pioch does not have any cover, holding an outlet of handle 24 swivalable as a turret to direct the outlet air stream just as it is comfortable for the user.

Thus, claims 2, 4, and 5 should be considered as patentably distinguishing over the art per se.

Original claim 1 was rejected over the patents to Sauer and Pioch as being anticipated. In connection with this, it is believed to be advisable to cite the decision in re Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984) in which it was stated:

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Definitely, these references do not disclose each and every element of the currently amended claim 1.

Also as explained herein above, the new features of the present invention provides for highly advantageous results which can not be

accomplished by the construction disclosed in the references. It is well known that in order to support a valid rejection the art must also suggest that it would accomplish applicant's results. This was stated by the Patent Office Board of Appeals, in the case *Ex parte Tanaka, Marushima and Takahashi* (174 USPQ 38), as follows:

Claims are not rejected on the ground that it would be obvious to one of ordinary skill in the art to rewire prior art devices in order to accomplish applicants' result, since there is no suggestion in prior art that such a result could be accomplished by so modifying prior art devices.

In view of the above presented remarks and amendments, it is believed that claim 1, the broadest claim on file, should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on claim 1, they share its presumably allowable features, and it is respectfully submitted that it should be allowed as well.

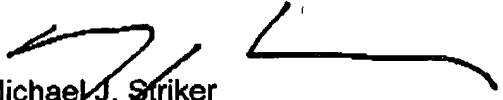
Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in



formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



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